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EXPRESS MAIL NO. EV 879164138 US

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

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Title: Intranasal Delivery System  
Applicant: Steven J. Penner and Randal W. Sebring  
Application Number: 10/089,224  
Filing Date: March 27, 2002  
Group Art Unit: 3763  
Examiner Name: Manuel Mendez  
Attorney Docket Number: HeskaUSNP  
Assignee: Heska Corporation

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**SUPPLEMENTAL TERMINAL DISCLAIMER UNDER 1.321(c)**

The owner, Heska Corporation, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number 6,398,774 as the term is defined in 35 U.S.C. §154 and §173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 and §173 of the prior patent as the term of said prior patent is presently shortened by any terminal disclaimer in the event that said prior patent later expires for failure to pay a maintenance fee, is held to be unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed

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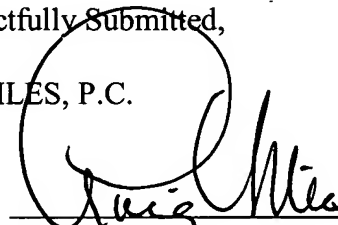
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 06 day of October, 2006

Respectfully Submitted,

CR MILES, P.C.

By:

  
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**CERTIFICATE OF ESPRESS MAILING**

I, Shannon M. Kammerer, hereby certify to the truth of the following items:

1. I am an employee of CR MILES P.C., 1 Old Town Square, Suite 200 B, Fort Collins, CO 80524.
2. I have this day deposited the attached Supplemental Terminal Disclaimer Under 37 C.F.R. § 1.321(c) (2 page(s)) with the United States Postal Service as "Express Mail" for mailing to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dated this 6 day of October, 2006

  
Shannon M. Kammerer